

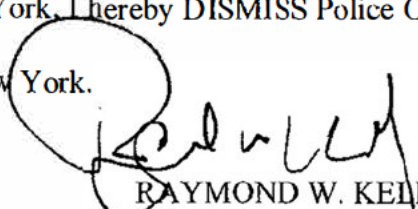


POLICE DEPARTMENT

-----X
In the Matter of the Disciplinary Proceedings :
- against - : FINAL
Police Officer Thirelle Taffe : ORDER
Tax Registry No. 923864 : OF
Housing Borough Manhattan : DISMISSAL
-----X

Police Officer Thirelle Taffe, Tax Registry No. 923864, Shield No. 8585, Social Security No. ending in 0558, having been served with written notice, has been tried on written Charges and Specifications numbered 84497/08 as set forth on P.D. 468-121, dated August 19, 2008 and 85567/09, as set forth on form P.D. 468-121, dated April 26, 2010, and after a review of the entire record, has been found Guilty as Charged.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Thirelle Taffe from the Police Service of the City of New York.


RAYMOND W. KELLY
POLICE COMMISSIONER

EFFECTIVE: On September 22, 2010 @ 0001hrs

COURTESY • PROFESSIONALISM • RESPECT



POLICE DEPARTMENT

August 10, 2010

-----X
In the Matter of the Charges and Specifications : Case Nos. 84497/08 &
- against - : 85567/09
Police Officer Thirelle Taffe :
Tax Registry No. 923864 :
Housing Borough Manhattan :
-----X

At: Police Headquarters
One Police Plaza
New York, New York 10038

Before: Honorable John Grappone
Assistant Deputy Commissioner - Trials

APPEARANCE:

For the Department: Mark Berger, Esq.
Department Advocate's Office
One Police Plaza
New York, New York 10038

For the Respondent: John Tynan, Esq.
Worth, Longworth & London, LLP
111 John Street
New York, New York 10038

To:

HONORABLE RAYMOND W. KELLY
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NEW YORK 10038

The above-named member of the Department appeared before the Court on June 8, 2010, charged with the following:

Disciplinary Case No. 84497/08

1. Said Police Officer Thirelle Taffe, assigned to the 88th Precinct, while off-duty, on or about August 13, 2008 inside of Target located within the confines of Kings County, New York, did steal property.

P.G. 203-10, Page 1, Paragraph 5 GENERAL REGULATIONS
N.Y.S. PENAL LAW SECTION 155.25 PETIT LARCENY

2. Said Police Officer Thirelle Taffe, assigned as indicated in Specification #1, while off-duty, on or about the date and location indicated in Specification #1, did knowingly possess stolen property, with intent to benefit herself or a person other than an owner thereof or to impede the recovery by an owner thereof.

P.G. 203-10, Page 1, Paragraph 5 -- GENERAL REGULATIONS
N.Y.S. PENAL LAW SECTION 165.40 CRIMINAL POSSESSION OF
STOLEN PROPERTY IN THE FIFTH
DEGREE

Disciplinary Case No. 85567/09¹

1. Said Police Officer Thirelle Taffe, assigned to Housing Borough Manhattan, while off-duty, on or about June 18, 2009 inside Sports Authority located at 51-30 Northern Boulevard, within the confines of the 108 Precinct, Queens County, New York, did steal property. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 GENERAL REGULATIONS
N.Y.S. PENAL LAW SECTION 155.25 – PETIT LARCENY

2. Said Police Officer Thirelle Taffe, assigned as indicated in Specification #1, while off-duty, on or about the date and location indicated in Specification #1 did knowingly possess stolen property, with intent to benefit herself or a person other than an owner thereof or to impede the recovery by an owner thereof.

P.G. 203-10, Page 1, Paragraph 5 -- GENERAL REGULATIONS
N.Y.S. PENAL LAW SECTION 165.40 -- CRIMINAL POSSESSION OF
STOLEN PROPERTY IN THE FIFTH
DEGREE

¹ During the allocation of the Respondent, the Court read from the document containing the amended charges and specifications. The disciplinary case number on that document was incorrectly listed as 85667/09 and as such was incorrectly read into the record. The correct case number is 85567/09.

3. Said Police Officer Thirelle Taffe, assigned as indicated in Specification #1, while off-duty, on or about the date and location indicated in Specification #1, did fail to carry said Officer's Department Identification Card, as required. (*As amended*)

P.G. 204-15, Page 1, Paragraph 3 – SHIELDS/NAMEPLATES/
IDENTIFICATION CARDS

4. Said Police Officer Thirelle Taffe, assigned as indicated in Specification #1, while off-duty, on or about March 20, 2006, did swear falsely, in that said Officer did indicate in a New York State Employee Statement and Security Guard Application that she had not been previously convicted of a misdemeanor, which was false. (*As amended*)

N.Y.S. PENAL LAW SECTION 210.05 PERJURY IN THE THIRD DEGREE

5. Said Police Officer Thirelle Taffe, assigned as indicated in Specification #1, while off-duty, on or about and between March 23, 2006, and June 23, 2009, did wrongfully and without just cause engage in off-duty employment without authority or permission to do so. (*As amended*)

P.G. 205-40, Page 1, Paragraph 1 – OFF DUTY EMPLOYMENT,
PERSONNEL MATTERS

6. Said Police Officer Thirelle Taffe, assigned as indicated in Specification #1, while off-duty, on or about and between March 23, 2006 and June 23, 2009, did wrongfully and without just cause engage in off-duty employment in excess of twenty (20) hours per week. (*As amended*)

P.G. 205-40, Page 1, Paragraph (c) (4) OFF DUTY EMPLOYMENT,
PERSONNEL MATTERS

The Department was represented by Mark Berger, Esq., Department Advocate's Office, and the Respondent was represented by John Tynan, Esq.

The Respondent, through her counsel, entered a plea of Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

The Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

[Eight exhibits were received in evidence without objection. Department's Exhibit (DX) 1 is a New York State Employee Statement and Security Guard Application, DX 2 is a compact disc of surveillance footage, DX 3 and DX 4 are photographs and DX 5-8 are miscellaneous documents].

The Respondent has been a member of the Department since July 1999. She is presently assigned to Housing Borough Manhattan. Before joining the Department, she managed a White Castle for ten years and also attended Kingsborough Community College, where she received an associate degree in early childhood education. Before her appointment, the Department's Applicant Processing Division conducted a background check of the Respondent. In 1991, when she was 19 or 20 years old, the Respondent was convicted of "shoplifting" in Nassau County as a result of an arrest at Sears in the Valley Stream Mall. She recalled that she was sentenced to probation for one year and fined \$340. The Respondent testified that she disclosed this arrest to the Department in her application for appointment and she was required to obtain a certificate of disposition and provide a statement as to what happened.

The Respondent testified that her first assignment after completing training was the 88 Precinct in Brooklyn. A year later, she was assigned to the 75 Precinct in East New York, Brooklyn for about four months, and then she returned to the 88 Precinct where she worked for about seven years. Currently, the Respondent is on modified and restricted duty status, and assigned to Viper Unit 6 in Lower Manhattan. Although the Respondent is currently married, she lives by herself and uses her married name, Taffe.

The Respondent acknowledged that she was honest and forthcoming in her June 1998 application for employment with the Department. She agreed that seven years later, however, she felt her prior conviction was not an issue when she completed the application. She reiterated that she was already a police officer and did not think she was deceiving anyone. She claimed that she did not read the part of the application mandating disclosure of a criminal conviction even where an executive pardon was granted. The Respondent agreed that part of her Police Academy training included reading documents for accuracy and thoroughness before signing them. However, she specified that the security guard application that she completed “wasn’t an application that was going anywhere.” She reiterated that she was not intending to deceive anyone and asserted that if it was a Department document, she would have read it thoroughly and signed her name “properly.”

Even though the security guard application required her to disclose a criminal conviction, even if pardoned by the Governor or President, the Respondent reaffirmed that it was not an issue for her.

As to the specifics of her off-duty employment, the Respondent agreed that she worked in excess of 20 hours weekly. Her duties included providing armed security to UPS drivers who sometimes carried valuable items. Theft of those items by force was a possibility. The Respondent worked with different drivers while at UPS. Even though she had no firearm to protect the drivers, the Respondent asserted that she would protect them as best as she could. She never disclosed to UPS that she did not have a firearm. The Respondent agreed that she never completed the Department paperwork for off-duty employment approval because she wanted to see if she liked the position. She also

the pills kept her up and she was working two jobs at the time. The Respondent discontinued using these diet narcotics around August 2009.

Before her August 2008 arrest, the Respondent had never received charges and specifications before, or been the subject of any disciplinary action. Additionally, her evaluations met standards.

Presently, the Respondent cares for her mother, whose sole income is social security. Having had two strokes, the Respondent testified that her mother is unable to move her left side and requires help to do "everything." Her mother does not have a home health aide because her mother lives in Pennsylvania. The Respondent has been her primary caregiver for the last two years and she received no assistance or aid in raising her two nieces.

On cross-examination, regarding the application for the security license, DX 1, the Respondent reiterated that she did not read the document. She said she "just went through the questions, checked it off, and faxed it back to her." She further stated that she "checked no for most everything, and I faxed it back to her."² She agreed that it was not true when she indicated on the application that she had never been convicted of a misdemeanor or felony. The Respondent believed the application would never be filed because she was told that since she was already a police officer, the document was just needed for "[the company's] records and just fill it out and fax it back." When asked why she was dishonest on the application, the Respondent said that she was not trying to be deceiving or dishonest, but rather, the conviction was so long ago it would not have mattered.

² It is unclear who the Respondent is referring to.

Her maiden name was Garland. In August 2008, she lived with her mother and two nieces, who were two and four years old at the time. She was the main provider and caregiver for her nieces at the time.

The Respondent affirmed that On August 13, 2008, she was at Target on Erskine Road in Brooklyn. She admitted that she removed “[s]ome electronic stuff, key chain, and that’s about it. I think it was some (iPod) speakers and headphones and things” from the store. However, she denied that she attempted to leave the store without paying, and specified that she was “actually going to the food court” and was stopped by “the guy” as she went passed the door. She asserted that the food court was beyond the cash registers and she was arrested after proceeding past the registers. The Respondent received a desk appearance ticket and later pled guilty to disorderly conduct, a violation, in Kings County Criminal Court (see DX 5, certificate of disposition). The Respondent denied that she removed any security tags from any property that she took at Target, but admitted that she had a “nail clipper and a clipper for the car because my cousin had fixed my car and I just had the things in my bag” (see DX 4, photograph). The Respondent was subsequently suspended from duty after this incident. She had already been assigned to Viper 6.

On June 18, 2009, the Respondent acknowledged that she was arrested at a Sports Authority store on Northern Boulevard in Queens for taking sandals. She admitted that she did not pay for them. The Respondent was stopped by store security near a hat rack past the area to pay for merchandise. The sandals were inside of a bag. The Respondent received a desk appearance ticket and the matter was disposed of with an adjournment in contemplation of dismissal in Queens County Criminal Court. When the police arrived at

Sports Authority, the Respondent admitted that she was unable to immediately identify herself as a member of the Department with any piece of identification because her modified Department identification card was in her car.

The Respondent acknowledged that she has worked off-duty employment as security for the United Parcel Service (UPS) for about four years as of 2010. She began that employment around 2006 and she never filed an application for off-duty employment with the Department. She learned of the position when she saw a flyer in her precinct. When she inquired about the position, she was asked if she was a member of the Department. The Respondent said she was never told that she needed any sort of special license for the job. She testified that she did not apply for permission to work the job in accordance with the Patrol Guide because she “was just going to see how it was, and if I liked it I would fill out the application.” The Respondent said she never filled out an application for the UPS job and denied that she was required to obtain a security guard license.

As to DX 1, the Respondent asserted that she filled the application out “mostly for their (UPS’s) records. She told me all I have to do is fill out the application...for their records.” She did not think the application “was going to be any sworn testimony or anything like that.” She signed this document which asked whether or not she had been convicted of a crime before and admitted that she did not indicate that she had. The Respondent asserted that she was not deceiving anyone. She worked the UPS job for several years and nothing she completed on the document caused her to lose that job. Upon being placed on modified assignment in August 2008, the Respondent lost the right

to carry a firearm. She continued to work the security job at UPS and never told UPS that she was not carrying a firearm.

The Respondent affirmed that in 2008, she was taking prescription diet pills. They included "phetacetamine (*sic*), and fluoxetine." She explained that she was prescribed these pills by a licensed physician "mostly to lose weight."

After being arrested for shoplifting, the Respondent testified that she sought help from the Department and was told that because "it wasn't an alcohol case, and it wasn't domestic violence, and I didn't feel like I wanted to kill myself," she was not eligible for assistance from the Department. Thereafter, she said that she "went on and did what I needed to do." She worked more hours because she needed housing and she took more pills. Eventually, she contacted her health care provider for help. She saw a psychiatrist who prescribed Lexapro and she also saw a therapist. The Respondent said that she has been seeing a therapist for about seven months.

In response to the Court, the Respondent specified that she took diet pills. She claimed that they did not allow her to focus. As to the Target incident, the Respondent stated that she "found [herself] in Target." She explained that she was buying cat litter at BJ's Wholesale Store and it was not as if she went into Target with a plan to steal anything. She characterized her visit to Target as "an impulse" and said, "I couldn't turn it off, and I proceeded to do what I did, what I was thinking at the time, and I couldn't turn it off." The Respondent claimed that the same held true for the Sports Authority arrest. When asked by the Court why she began to take the pills, the Respondent testified that she was told to lose weight when she was appointed to the Department. In 2008 and 2009, the Respondent took double the amount of pills so that she would not fall asleep;

agreed that regardless of whether she liked the position, she was mandated to complete the proper paperwork before starting any off-duty employment.

The Respondent acknowledged that she worked for UPS until June 2009. She never notified the Department of the job. She was fired from the position when her employer saw her featured in an article in the New York Post concerning her arrest for stealing sandals from the Sports Authority. Initially, the Respondent denied that she was the subject of the newspaper article. Nevertheless, when she was confronted with a copy of it, she admitted that she was the subject of the article and that she no longer had a gun or a shield. The Respondent was subsequently fired from the UPS position. Even though she had no firearm, the Respondent affirmed that she would have continued her position to protect UPS drivers.

Regarding her arrest at Target, the Respondent denied that she ever saw the surveillance video. Although she passed all points of sale, she agreed that she was not intending to steal the merchandise. She denied that she planned to steal anything, asserting that the food court is adjacent to the door to exit. The Respondent disputed that the food court was ten feet away from the exit, rather, she argued that it was "right by the door as you are exiting."

On inquiry by the Court, the Respondent maintained that she was guilty of the charges relating to the theft at Target. She specified, however, that she had not exited the store when she was stopped by security. She intended to go to the food court and the items were in her shopping cart. When asked if she intended to pay for the items, she said, "I didn't intend to pay for them, but I was not out of the store." Regardless of where

she was going in the store, she agreed that she had no intention of paying for the merchandise and intended to steal. She walked past the cash registers with the items.

The Respondent agreed that she was taking diet pills that caused her to “not be in [her] right mind.” She testified, “I acted, you know, unresponsibly, and I really didn’t know what I was really doing and how to turn it off.” When asked why she did not mention this at her official Department interview, the Respondent said she did not think the pills were an issue until she began seeing a therapist and a physician. Although she was afforded an opportunity at her January 2009 official Department interview to make any statement she wanted, the Respondent declined and reiterated that she was unaware that the pills were a factor at that time. She told the truth during this interview, readily admitting that she stole from Sports Authority. It was not until February 2010, at another official Department interview, that the Respondent mentioned the diet pills for the first time. She did not offer this as a defense in criminal court, stating again, that she did not know of it.

The Respondent agreed that she is not a physician and admitted that she has no medical training. She denied that the pills were accompanied with any warnings or indications; she received no prescription and they were dispensed directly by her physician. The Respondent testified that she conducted some research on the pills and also presented the Department with letters from her psychiatrist and weight doctor. In response to the Court, the Respondent stated that her research showed that the pills “would cause impulsive behavior.” It did not say that it would cause someone to steal property or commit crimes.

The Respondent said she went to supermarkets and corner stores. She went to stores like Target about twice a month. The pills did not cause her to steal anything in any other stores she shopped at. When she lost her apartment and began to work more hours in January 2008, the Respondent began taking the diet pills. She did not steal anything between January 2008 and August 2009, she did not steal anything because she did not go shopping. The Respondent took the diet pills between August 2008 and June 2009 and also did not steal anything in that time period. She doubled the dosage of the pills that she was supposed to take. The Respondent stated that she received a month's supply of pills from her doctor. She did not double the dosage every day, but nevertheless, the supply of pills would not last the entire month.

In response to questioning by the Court, the Respondent maintained that she was guilty of the charges against her. She explained that in her ten years with the Department, she has never been in any trouble before. She testified that she did not know what happened and was trying to figure it out. She said, "I mean, everybody makes mistakes, and I made a mistake. You know, I am not saying that I am not guilty of it. Yes, I did it, it's my fault, but I am here because I don't know how I got here." She reiterated that her problems spun out of control.

PENALTY

In order to determine an appropriate penalty, the Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974). The Respondent was appointed to the Department on July 7, 1999. Information from her

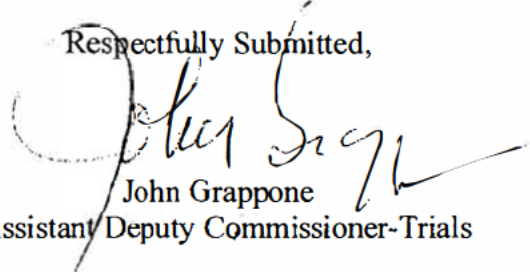
personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

The Respondent pled Guilty to stealing and possessing stolen property from Target Department store and the Sports Authority. She also pled Guilty to: failing to carry her Department Identification card; swearing falsely on a New York State Employee Statement and Security Guard application that she had not been previously been convicted of a misdemeanor; and during two time periods to wrongfully engaging in off-duty employment in excess of 20 hours a week.

The Respondent, as a New York City police officer, has sworn to uphold the law of New York. By stealing merchandise from Target and Sports Authority and by swearing falsely about a prior misdemeanor conviction on an employment application, the Respondent has betrayed the trust and confidence that the Department placed in her to maintain the high standards that is necessary to uphold her sworn duty to the citizens of New York. The Respondent, during her mitigation testimony just made excuses for her misconduct, especially made evident by her stating that diet pills changed her behavior that caused her to take the property that did not belong to her.

Based on the foregoing, it recommended that the Respondent be DISMISSED from the New York City Police Department.

APPROVED
SEP 22 2010
RAYMOND W. KELLY
POLICE COMMISSIONER

Respectfully Submitted,

John Grappone
Assistant Deputy Commissioner-Trials

POLICE DEPARTMENT
CITY OF NEW YORK

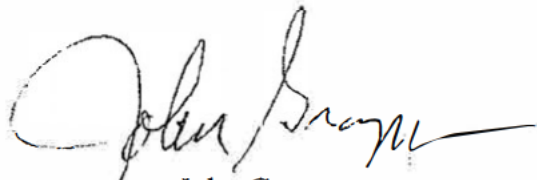
From: Assistant Deputy Commissioner - Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER THIRELLE TAFTE
TAX REGISTRY NO. 923864
DISCIPLINARY CASE NOS. 84497/08, 85567/09

The Respondent received an overall rating of 3.5 on her 2009 annual performance evaluation, 4.0 on her 2008 annual evaluation and 3.5 on his 2007 evaluation.

[REDACTED]
[REDACTED]
[REDACTED]

On October 6, 2008, the Respondent was placed in Level - II Disciplinary Monitoring based on "Serious Misconduct." She has no prior formal disciplinary history.

For your consideration.


John Grappone
Assistant Deputy Commissioner Trials